IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

MFA.No. 694 of 2003

WCC.94/1996 of W.C.C.,KOLLAM
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APPELLANT: APPELLANTS:
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1. MR.P.BABU, S/O. LATE PERUMAL,
THAI ILLOM, BACK SIDE OF MURUGAN THEATRE,
KAMARAJ NAZAR, MANAPPARAI, TRICHY DISTRICT,
TAMIL NADU-621 306.

2. SMT.PONNARUVI @ PONNU KURUVI,
D/O.LATE PERUMAL, ANNA NAGAR, ALLIPATTY P.O.,
MANAPPARAI, TRICHY DISTRICT,TAMIL NADU-621 306.

BY ADV. SRI.P.VIJAYARAGHAVAN

RESPONDENTS: OPPOSITE PARTIES:
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1. THE MANAGING PARTNER,
M/S. BATRA BROTHERS, JAY KAY GAS AGENCIES,
K.42/3, OKALA INDUSTRIAL AREA, PHASE-II,
NEW DELHI-110 020.
2. THE MANAGER,
NEW INDIA ASSURANCE COMPANY LTD., AJAYABHAVAN,
M-38 SPRED BRED HOUSE, CANNAUGHT CIRCUS,NEW DELHI.

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

C.M. Application No 1404 of 2003
and M.F.A. No 694 of 2003

Dated: 3rd October 2007

JUDGMENT

Radhakrishnan, J.

There is a delay of 979 days in filing the appeal. Though notice was ordered on the delay petition as early as on 16.01.2004 even today no steps have been to issue notice. We have perused the affidavit filed in support of the petition and find that sufficient grounds have not been made out to condone the delay. In such circumstances, both the application to condone the delay in filing the appeal as well as the appeal are dismissed for non prosecution.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
A.K. BASHEER
Judge

03/10/2007
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